

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.1199 OF 2003
IN
SUMMARY SUIT NO.2963 OF 2003

Malkani Interbuild .. Plaintiff

Vs.

Car Lounge P.Ltd. .. Defendants

Mr.Sanjay Jain i/b Zohair and Co. for the plaintiff

Mr.S.Gupte a/w Dipti Das i/b Dunmorr Sett for the
defendants

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

. The present suit is supposed to have been filed on an estimate being Ex.A and on invoices. There are of course some of the cheques which are dishonoured but it does not cover the entire suit claim. In view of the aforesaid, suit is not maintainable in Summary Suit under Order 37 Rule 2 of the Civil Procedure Code. Unconditional leave to defend is granted. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be

filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.